

## **REMARKS**

In the Office Action mailed April 20, 2005, claims 16-20 were allowed, claims 12 and 14 were objected to, and claims 1-11, 13, and 15 were rejected in view of prior art.

In this Amendment and Response B, claim 12 has been amended into independent form adding all of the subject matter of its independent claim 9. It is therefore submitted that amended claim 12 is allowable over the prior art.

### **The Rejection of Claims 1-3, 6-9, 11, 13, and 15 as being obvious in view of the U.S. patent of Eby and the U.S. patent of Lund.**

Of the claims rejected as being obvious in view of the Eby and Lund references, claims 1 and 9 are independent claims. These claims recite structural features of the invention that are not disclosed or suggested in the Eby or Lund references, and are actually taught away from by these references. Without there being any disclosure or suggestion of the claimed subject matter in the two references, the claims are not obvious and are allowable over the prior art.

### **The Eby and Lund references both fail to suggest a mounting bracket having means for connecting the mounting bracket to the vehicle to hold the plurality of light assemblies in positions adjacent the window top edge and not above the top surface of the vehicle.**

Claim 1 includes a recitation of the mounting bracket having means for connecting the mounting bracket to the light bar and to the vehicle to hold the support and the light assemblies on the support in positions extending across either the front or

rear facing windows adjacent the top edge of the windows and not above the top surface of the vehicle. This feature of claim 1 is clearly not disclosed or suggested by the lamp mount of the Eby reference. The lamp mount is specifically designed to extend across the top surface of the vehicle. The hook bight portion 37 of the anchor member 36 is specifically designed to connect the channel bar 30 extending across and above the top surface of the vehicle as shown in Figure 2. There is no suggestion in the Eby reference of the mounting bracket recited in claim 1 that does not extend above the top surface of the vehicle.

The mounting bracket of the invention recited in claim 1 is also not disclosed or suggested in the Lund reference. The Lund reference makes no disclosure of such a mounting bracket. Instead, the Lund reference discloses a rigid visor 1 constructed of materials such as metals or composites and preferably constructed of molded fiber glass material (Lund column 2, lines 40-44). The visor is attached to the vehicle roof 30 by mounting holes that are located around the visor perimeter. The visor trailing edge 5 typically resides above the vehicle roof 60 (Lund column 2, lines 44-48).

Thus, the Lund reference specifically teaches attaching the visor 1 to the roof of the vehicle. This attachment positioning is shown in Figure 1 of the reference where the visor 1, and in particular the trailing edge of the visor, is positioned on top of the vehicle roof. This is in direct contrast to the subject matter of claim 1 which specifically states that the mounting brackets position the support and the plurality of light assemblies adjacent the window top edge and not above the top surface of the vehicle.

Because both the Eby and Lund references specifically teach away from the structure of the light bar of the invention recited in claim 1, the references do not make

obvious that subject matter and claim 1 and its dependent claims 2-6 and 8 are allowable over the prior art of record.

**The rejection of claim 9 is based on the impermissive use of hindsight. There is no motivation for combining the Eby and Lund references.**

With regard to the rejection of claim 9 in view of the Eby and Lund references, it is submitted that there is no motivation for combining these references to arrive at the subject matter of claim 9, and that the rejection of the claim is based entirely on hindsight of the present invention.

**Claim 9 specifically requires at least one mounting bracket having means for connecting the mounting bracket to the vehicle to hold the support extending “across” either of the vehicle windows.**

The Eby reference discloses a mounting bracket assembly for supporting an emergency light on the roof of an automobile. The references specifically sets forth that the main object of the invention is to provide a mounting bracket device adapted to be detachably connected to the roof of an automobile (Eby column 1, lines 6-8). The reference further sets forth that a further object of the invention is to provide a mounting bracket assembly for supporting emergency lamps on the roof of an automobile (Eby column 1, lines 14-17). Thus, the Eby reference is specifically directed for supporting lamps on an automobile roof. There is no suggestion of a support that holds lamps extending across the vehicle windows as required by claim 9. This suggestion can only be found in the applicant's disclosure.

The Lund reference, as explained earlier, discloses a visor 1 that is attached to a vehicle roof (Lund column 2, lines 44-45). The visor trailing edge resides above the vehicle roof (Lund column 2, lines 47-48). Thus, the Lund reference also fails to disclose or suggest a light support that is held extending across the vehicle window as recited in claim 9.

Because neither of the applied references remotely suggest the subject matter of the invention recited in claim 9, and actually teach away from that subject matter, it is submitted that the combination of references relied on in rejecting claim 9 is made in hindsight of the present invention, and therefore is made in error. Claim 9 is therefore allowable over the prior art. Claims 10, 11, and 15 all depend from claim 9, and therefore are allowable over the prior art of record.

**The disclosure of the U.S. Patent of Ohlenforst, et al. No. 4,488,141 does not overcome the shortcomings of the Eby and Lund references.**

Claims 4, 5, and 10 were rejected as being obvious in view of the combined disclosures of the Eby, Lund, and Ohlenforst references. Claims 4 and 5 depend from claim 1, and claim 10 depends from claim 9. It is submitted that the disclosure of the Ohlenforst reference does not overcome the shortcomings of the Eby and Lund references discussed above, i.e. suggesting the subject matter of the invention recited in independent claims 1 and 9. In view of the this shortcoming of all three references, it is submitted that claims 4, 5, and 10 are allowable over the prior art.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and favorable action is requested.

Respectfully submitted,

**Thompson Coburn LLP**

By: Joseph M. Rolnicki  
Joseph M. Rolnicki  
Reg. No. 32,653  
One US Bank Plaza  
St. Louis, MO 63101-1693  
(314) 552-6286